

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JUSTIN BAKER,

Plaintiff,

v.

AVENUE5 RESIDENTIAL ET AL.,

Defendants.

CASE NO. 2:24-cv-01862-JHC

ORDER DENYING MOTION TO
DISQUALIFY

This matter comes before the Court on pro se Plaintiff's motion to disqualify the undersigned judge from this matter. Dkt. # 31. The Court has reviewed the motion, the remainder of the file, and the governing law. Being fully advised, for the reasons discussed below, the Court DENIES the motion.

"Whenever a motion to recuse directed at a judge of this court is filed pursuant to 28 U.S.C. § 144 or 28 U.S.C. § 455, the challenged judge will review the motion papers and decide whether to recuse voluntarily." LCR 3(f). "If the challenged judge decides not to voluntarily recuse, he or she will direct the clerk to refer the motion to the chief judge." *Id.*

A judge of the United States must recuse from any proceeding in which their "impartiality might reasonably be questioned." 28 U.S.C. § 455(a). Federal judges must also


1 disqualify themselves when they have “a personal bias or prejudice concerning a party, or
2 personal knowledge of disputed evidentiary facts concerning the proceeding.” *Id.* § 455(b)(1).

3 Plaintiff does not present any argument giving rise to a legitimate question of the
4 undersigned judge’s impartiality. First, he does not point to any “extrajudicial source” of bias.
5 *See Taylor v. Regents of Univ. of Cal.*, 993 F.2d 710, 712 (9th Cir. 1993). He makes the
6 conclusory claims, with no citation to the record, that there has been discrimination based on his
7 disabilities and because he is not “highly trained.” He also claims that the Court is biased
8 because the undersigned has “a litigation background from New York in real estate.” But that is
9 untrue. Second, he bases his argument on adverse rulings by the Court. But “[a]dverse rulings
10 do not constitute the requisite bias.” *United States v. Nelson*, 718 F.2d 315, 321 (9th Cir. 1983).

11 The undersigned makes rulings in each case based on the issues presented by the parties
12 or on *sua sponte* review and has no personal bias or reason to be partial to one side or the other
13 in this matter. Plaintiff has not shown that a reasonable person could question the undersigned’s
14 impartiality. The undersigned will not recuse himself voluntarily from this case.

15 Accordingly, the Court DENIES the motion. Also, the Court further DIRECTS the Clerk
16 to refer the motion to Chief Judge David Estudillo for further review.

17 Dated this 21st day of March, 2025.

18 
19 John H. Chun
United States District Judge